

REMARKS

The applicants have reviewed the Official Action mailed by the Office on 23 November 2004, and respond to it herein. The applicants request entry and favorable consideration of this response at the earliest convenience of the Office.

5 Paragraph 1 of the Official Action stated an objection to a hyperlink appearing on page 10 of the specification as originally filed. The applicants have submitted above a replacement paragraph to address this objection, and thus request reconsideration and withdrawal of the objection stated in Paragraph 1 of the Official Action.

10 Paragraphs 2 and 3 of the Official Action stated objections to claims 42, 46, and 51 as being duplicates of claims 43, 47, and 52, respectively. The applicants submit that these claims are not duplicates of each other, and do not acquiesce in the objections stated in Paragraphs 2 and 3 of the Official Action. However, to expedite prosecution of this application, the applicants have amended claims 42, 46, and 51 to recite a "data store" rather than a "do-not-call" list. The applicants submit that claims 42, 46, and 51 are sufficiently distinct from claims 43, 47, and 52, 15 respectively, that these claims are clearly not duplicates under MPEP § 706.03(k). The applicants thus request reconsideration and withdrawal of the objections stated in Paragraphs 2 and 3 of the Official Action.

20 Paragraphs 4 and 5 of the Official Action stated rejections of claims 1-52 under 35 U. S. C. § 112, 2nd paragraph. In response, once again to expedite prosecution of this application, the applicants have amended independent claim 1 and certain of the claims depending therefrom to recite "means plus function" language as sanctioned by 35 U.S.C. § 112, 6th paragraph. On at least this basis, the applicants request reconsideration and withdrawal of the rejections stated in Paragraphs 4 and 5 of the Official Action.

Art-Based Rejections

25 Independent claims 1 and 53-55 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Yudkowsky. The applicants have amended independent claims 1, 53, and 55 as indicated above to recite further features that are believed fully supported under 35 U.S.C. § 112, 1st paragraph, by at least Figure 4 and the corresponding description in the originally-filed specification. Independent claim 54 is discussed separately below.

Independent Claims 1, 53, and 55

For convenience of discussion, the applicants reproduce a portion of amendments to claim 1, but these comments are equally applicable to the independent claims 53 and 55, which are amended to recite similar features. After reviewing the Action and cited art, the applicants have amended claim 1 as indicated above to recite the following:

"means for evaluating:

first, whether a response was received a response after issuing the prompt;

second, whether the response is indicative of a hearing-impaired caller or of a hearing caller;"

The applicants respectfully submit that the above revisions are supported by the applicants' disclosure under § 112, first paragraph. Turning to the applicants' Figure 4, decision block 402 first tests for an unresponsive caller, and if the caller is responsive to one of the prompts issued previously, program control passes to decision block 404, which tests for a response indicating a hearing-impaired caller. If the output of decision block 404 is negative, program control passes to decision block 406, which tests for a response indicating a hearing caller. The claim language reproduced above thus recites an evaluating means that first explicitly tests for a responsive caller, and afterwards tests the actual response received from the caller. The applicants further request entry of the above amendments and reconsideration of the rejection of independent claim 1, and all claims depending therefrom.

Independent claims 53 and 55 are amended to recite similar features, and the applicants request reconsideration of these amended claims on at least this basis.

Independent Claim 54

The applicants have amended independent claim 54 to recite substantially the same new features as discussed above in connection with independent claims 1, 53, and 55, so the same comments above directed to these other independent claims are believed equally applicable to independent claim 54. However, the applicants have further amended claim 54 to recite further features believed fully supported by the applicants' specification at least by figures 2 and 3 and the related description. The applicants request entry of these amendments and reconsideration of claim 54.

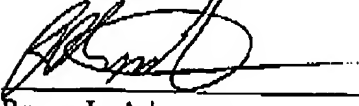
Respectfully submitted,

WEST CORPORATION

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